IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 3933(S/S)2001
(Old No. 9256 of 1989)

U.P. State Road Transport Corporation,
Through the Regional Manager,
Tanakpur. -------Petitioner.

Vs.

1. The State of U.P. through the Collector/Tehsildar,
   Khatima, District Nainital.
2. The Regional Provident Fund Commissioner,
   U.P. Nidhi Bhawan, Saryodya Nagar,
   Kanpur. -----Respondents.

Sri K.K. Shan, learned counsel for the Uttarakhand Transport Corporation,
Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.K. Sah, learned counsel for Uttarakhand Transport Corporation and Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand. None is present for U.P. State Road Transport Corporation.

This writ petition has been filed by the U.P. State Road Transport Corporation for quashing of the order dated 27.01.1989 passed by the Regional Provident Fund Commissioner, Kanpur and the recovery notice dated 03.01.1989 issued by the Tehsildar, Khatima, district Nainital (Now district Udham Singh Nagar) which was issued in pursuance to the order dated 27.01.1989.

The order dated 27.01.1989 has been issued by the Regional Provident Fund Commissioner alleging therein that the petitioner has not deposited the contribution of provident fund of certain employed with the U.P. State Road

Transport Corporation. After bifurcation of the Corporation only 4 employees out of 35 are working with the Uttarakhand Transport Corporation.

Submission of the learned counsel for the Uttarakhand Transport Corporation is the posts of the employee of Uttarakhand Transport Corporation have now become pensionable. Prior to becoming the posts pensionable, the provident fund was being deducted from the salary of the employees and a contribution was also being paid by the State Transport Corporation.

Thus, even if the posts which have now become pensionable, the amount to contribution of provident fund which was being paid by the Corporation/petitioner, the petitioner is liable to make contribution in respect to the provident fund of the employees concerned.

In the circumstances, I direct the Uttarakhand Transport Corporation to deposit the contribution of provident fund of those persons whose contribution has not been paid by the Corporation, prior to the period when the post become pensionable, within a period of three months from the date of production of a certified copy of this order provided the same has already not been deposited by the Corporation/petitioner.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 11, 2007;
NCM: